

Powers and Functions of the Town Planning Board

<u>TP Ordinance</u>	<u>Description</u>	<u>Remarks</u>
s.3 s.4(1)	Prepare new draft plans (that is, Draft Outline Zoning Plans and Draft Development Permission Area Plans).) - Consideration is based more on district factors.
s.4A	Comprehensive Development Area Schemes: approval of Master Layout Plans and subsequent amendments.))))
s.4(2)	Recommendation to CE in C for resumption of land.	- Involving property right and government financial commitments which are considered important decisions.
s.5	Exhibition of draft plans.	
s.6(4)&(5)	Make available for public inspection and notification of representations.)
s.6A(4)	Make available for public inspection of comments.)
s.6B	Consider representations and comments on representations and decide whether to propose amendments to plans to meet the representations.) - Relating to the representation consideration procedures
s.6C(1)&(2)	Make available for public inspection and notification of proposed amendments)
s.6D(4)	Make available for public inspection of further representations)
s.6F	Consider further representations and decide whether to amend plans by the proposed amendments under s.6F(8))
s.6G	Amend draft plans by the proposed amendments (for cases without further representations).)
s.6H(2)	Make available for public inspection the amendments made under s.6F(8) or s.6G.)
s.7(1)-(3)	Make amendments to draft plans and exhibition of such amendments	
s.8	Submission of draft plans to CE in C.	- The Board should be answerable for the schedule of amendments and the schedule of representations/ comments/further representations.
s.12A(6)&(7)	Make available for public inspection and notification of application)
s.12A(12)&(14)	Make available for public inspection of comments and further information)
s.12A(13)&(15)	Determine acceptance of further information and exemption of further) - Relating to applications for amendment of plan

<u>TP Ordinance</u>	<u>Description</u>	<u>Remarks</u>
	comments and recounting of statutory time limit for processing the application	
s.12A(16)-(24)	Consider and decide on applications and undertake necessary follow-up actions.)
s.16(2C)&(2D)	Make available for public inspection and notification of applications)
s.16(2I)&(2K)	Make available for public inspection of comments and further information) - relating to applications for planning permission
s.16(2J)&(2L)	Determine acceptance of further information and exemption of further information from publication for public comments and recounting of statutory time limit for processing the applications)
s.16(3)-(5)	Consider and decide on applications.) - Consideration is mainly of local and district nature and has to operate within the Board's guidelines
s.16A(5)&(6)	Consider and decide on applications for Class B amendments to a permission granted under s.16	
s.17(2A)&(2B)	Make available for public inspection and notification of review applications)
s.17(2G)&(2I)	Make available for public inspection of comments and further information)
s.17(2H)&(2J)	Determine acceptance of further information and exemption of further information from publication for public comments and recounting of statutory time limit for processing the review applications) - Relating to review applications
s.17(3)-(6)	Consider and decide on review applications.) - To ensure consistency in the application of guidelines for s.16 applications. - To enable the consideration of the case by wider and diversified interests and by Board Members not involved in the original decision to refuse permission.
s.20(1)	Designation of Development Permission Areas.	
<u>Others</u> s.12A(25) s.16(8)	Specify by notice in the Gazette the period for determining the definition of "current land owner"	

<u>TP Ordinance</u>	<u>Description</u>	<u>Remarks</u>
s.16A(10)	Specify by notice in the Gazette the schedule of Class A and Class B amendments	
s.6(2)(b) s.6A(2) s.6D(2)(b) s.12A(3)&(10) s.16(2)&(2G) s.16A(3) s.17(2E)	Promulgate guidelines for submission of representations/comments/further representations, applications and comments on applications. Approve Development Scheme Plans prepared by the Urban Renewal Authority under section 25 of the Urban Renewal Authority Ordinance. Promulgate policy guidelines and guidelines for various applications.	- To maintain consistency in planning decision.

Powers and Functions Delegated to the Planning Committees

<u>TP Ordinance</u>	<u>Description</u>	<u>Remarks</u>
s.3 * s.4(1) *	Prepare new draft plans (that is, draft Outline Zoning Plans and draft Development Permission Area Plans).	- Consideration is based more on district factors.
s.4A	Comprehensive Development Area Schemes: approval of Master Layout Plans and subsequent amendments.	
s.5 *	Exhibition of new draft plans.	
s.7(1)-(3)	Amendments to the draft plans and amendments to the plans referred back under s.9(1)(c).	- Amendments initiated are normally of district significance, and have no territory-wide impact.
s.8 *	Submission of draft plans to Chief Executive in Council.	
s.12A	Powers and functions in relation to applications for amendment of plan.	- Consideration is mainly of local and district nature and has to operate within the Board's guidelines (major development applications can be referred to the Board for consideration).
s.16	Powers and functions in relation to applications for planning permission.	
s. 16A	Powers and functions in relation to applications for Class B amendments to permissions previously granted under s.16, s.17 or s.17B.	- For applications which are considered unacceptable by the concerned government departments or applications involving deletion of

<u>TP Ordinance</u>	<u>Description</u>	<u>Remarks</u>
s.20(1) *	Designation of Development Permission Areas.	previously proposed Government, Institution or Community (GIC) facilities from the approved development proposal, even if the deletion is initiated and agreed by the relevant government departments and/or the requirement of the GIC facilities is subject to an approval condition.

Remarks:

* The powers and functions are delegated by the Board to the two Planning Committees but in practice they are usually taken up by the Full Board.

Powers and Functions Delegated to the Representation Hearing Committee

<u>TP Ordinance</u>	<u>Description</u>	<u>Remarks</u>
s.6B	Consider representations and comments and decide whether to propose amendments to plans to meet representations.) - Deciding on representations, comments, further representations, and amendments to plans.
s.6C	Proposed amendments under s.6B(8) to be made available for public inspection.)
s.6D	Further representations in respect of proposed amendments to be made available for public inspection.)
s.6E	Treatment of withdrawn representations/comments/further representations.)
s.6F	Consider further representations and decide whether to amend plans by the proposed amendments.)
s.6G	Amend plans by the proposed amendments (for cases without further representations).)
s.6H	Effect of amendments made under s.6F(8) or s.6G.)

Remarks:

The Board may decide to conduct the hearing/further hearing itself for those representations/comments/further representations relating to issues which are of significant territorial interests or would attract wide interest of the public.

Powers and Functions Delegated to Secretary of the Board

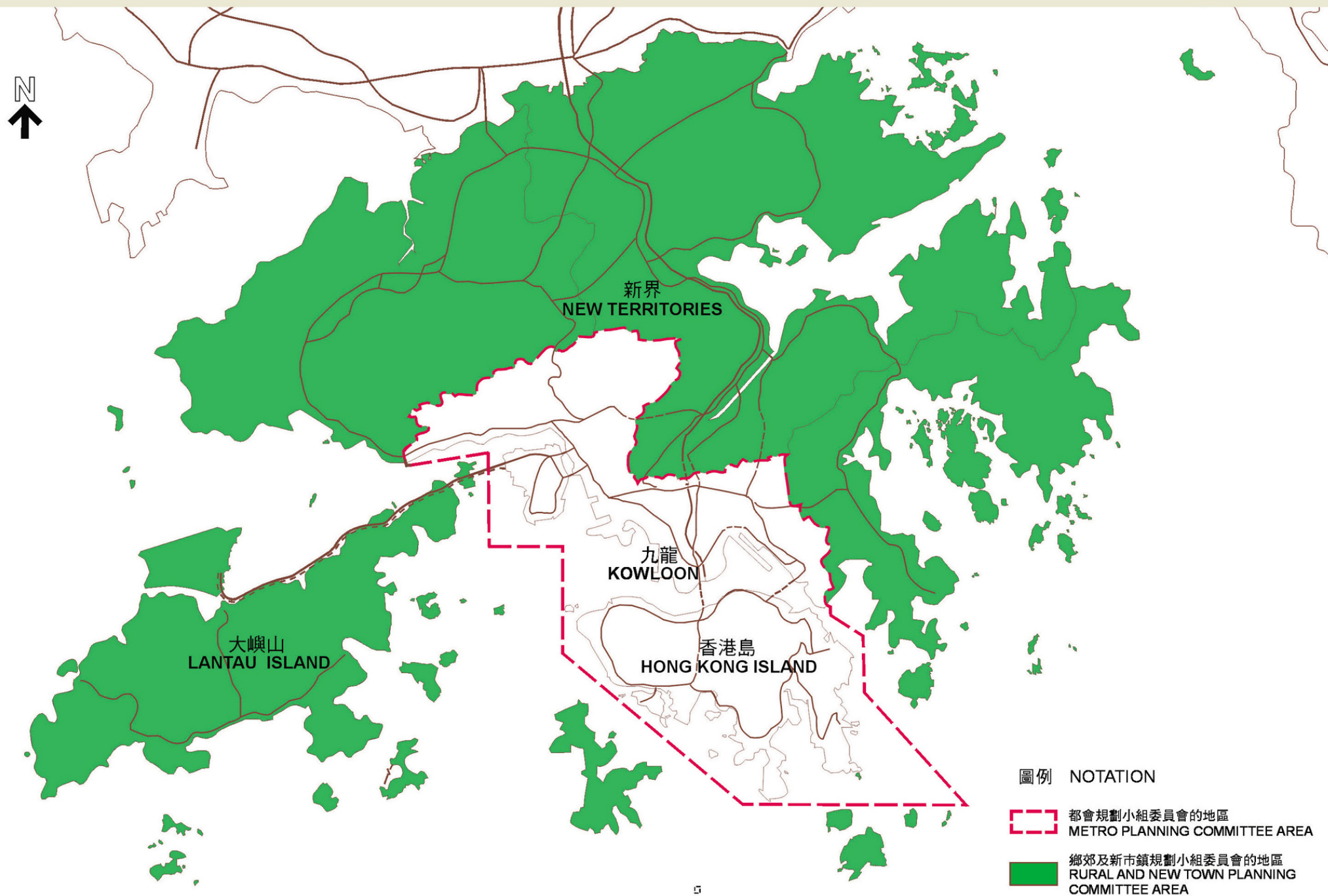
<u>TP Ordinance</u>	<u>Description</u>
s.12A(13)&(15)	Determine acceptance of further information and exemption of further information from publication requirement and recounting of statutory time limit for processing the applications for amendment of statutory plan.
s.16(2J)&(2L)	Determine acceptance of further information and exemption of further information from publication requirement and recounting of statutory time limit for processing the applications for planning permission.
s.17(2H)&(2J)	Determine acceptance of further information and exemption of further information from publication requirement and recounting of statutory time limit for processing the review applications.

**Powers and Functions Delegated to Director of Planning,
and to Deputy Director of Planning and Assistant Directors of Planning in the
District Planning Branch of the Planning Department**

<u>TP Ordinance</u>	<u>Description</u>	<u>Remarks</u>
s. 16A(2)	Consider and decide on applications for Class B amendments to permission previously granted under s.16, s.17 or s.17B.	- For applications which are considered acceptable by the concerned government departments and do not involve deletion of previously approved GIC facilities initiated by the relevant government departments.

Powers and Functions Delegated to District Planning Officers

<u>TP Ordinance</u>	<u>Description</u>
s. 16	Approval for development on the Development Permission Area Plans which would be discontinued and the land be reinstated within 6 months.



Town Planning Board
Register of Pecuniary Interests

(Name: _____) requests that interests as set out in the attached form (total pages: _____) should be included in the Register of Members' Pecuniary Interests.

Registrable Interests	Interests to be declared by the following parties:		
	Member	Spouse	Children under 18
<p>DIRECTORSHIPS AND PARTNERSHIPS IN COMPANIES</p> <p>Please list out at the rightward columns the remunerated directorships in any public or private company.</p> <p>Notes:</p> <p>(a) Remunerated directorships include all directorships for which a fee, honorarium allowance or other material benefit is payable.</p> <p>(b) You should give the name of the company, briefly state the nature of the business of the company in each case.</p> <p>(c) Remunerated directorships of both local and overseas companies are registrable.</p> <p>(d) Remunerated directorships through corporate directors are also registrable.</p> <p>(e) Where you or your spouse are a remunerated director of a company, all subsidiary or associated directorships which you or your spouse hold within the same group, whether remunerated or not, should also be registered.</p> <p>(f) There is no need to register the amount of remuneration received.</p>			

Use additional form(s) if necessary

Member's Name:

Registrable Interests	Interests to be declared by the following parties:		
	Member	Spouse	Children under 18
<p>REMUNERATED EMPLOYMENTS, OFFICES, TRADES, PROFESSIONS OR VOCATIONS</p> <p>Please list out at the rightward columns the remunerated employments offices, trades, profession, or vocation from which remuneration or pecuniary interest is obtained.</p> <p>Notes:</p> <p>(a) An employment, office, trade or profession is "remunerated" where a salary, honorarium, allowance or other material benefit is payable.</p> <p>(b) "Remunerated offices" should include all "remunerated" public offices.</p> <p>(c) Indicated the name of the employment, office, trade, or profession. Where a firm is named, please briefly indicate the nature of the firm's business if practicable.</p> <p>(d) For paid posts as consultants or advisers, it should be indicate the nature of the consultancy in the register, e.g. "traffic consultant", "legal adviser", etc.</p> <p>(e) There is no need to register the amount of remuneration received.</p>			

Use additional form(s) if necessary

Member's Name:

Registrable Interests	Interests to be declared by the following parties:			
	Member	Spouse	Children under 18	Company to which the party/parties listed leftwards is one of the directors.
<p>HOLDINGS IN LAND AND PROPERTY</p> <p>Please list out at the rightward columns the land or property in Hong Kong and/or overseas.</p> <p>Notes:</p> <p>(a) The requirement is to register the general nature of the interest rather than a detailed list of the holdings. The exact address and name of the land or property need not be listed out.</p> <p>(b) There is no need to register the size or value of the land or property owned.</p> <p>Example:</p> <ol style="list-style-type: none"> 1. A flat at No. 111, Star Street, Wan Chai. 2. 3 units in Block 123, Laguna City, Kwun Tong. 3. A house at Peak Road, Peak. 4. A piece of land at Nathan Road, Mong Kok. 5. A piece of land in Richmond Hill, Vancouver, Canada. 				

Use additional form(s) if necessary

Member's Name:

Registrable Interests	Interests to be declared by the following parties:		
	Member	Spouse	Children under 18
<p>SUBSTANTIAL SHAREHOLDINGS</p> <p>Please list out at the rightward columns the shareholdings in any public or private company of a nominal value greater than 1% of the issued shared capital of the company.</p> <p>Notes:</p> <p>(a) "Shareholdings" is defined as personal shareholdings and do not include shareholdings held in the capacity of a nominee shareholder.</p> <p>(b) There is no need to register the size or value of the shareholdings.</p>			

Use additional form(s) if necessary

DECLARATION

I have read the POINTS TO NOTE attached to this form. I declare that the personal data voluntarily provided in this form are accurate and up-to-date to the best of my knowledge. I agree and understand that such personal data can be used according to the use and disclosure of personal data stated in the Points to Note.

Signature : _____

Date: _____

POINTS TO NOTE

Purpose of the Registration

1. The main purpose of registering of interests by Members of the Town Planning Board is to maintain public confidence in the integrity of Members (including the Chairman) and in the impartiality of their advice tendered to the Town Planning Board. It is, therefore, important that all Members of the Town Planning Board should declare their general pecuniary interests as set out in this registration form.
2. This registration of pecuniary interests is additional to the procedures of declaration of interests (pecuniary or otherwise) at the Board/Committee meetings as set out in the guidelines on Declare of Interests by Town Planning Board Members.

Guidelines for Completing the Registration Form

3. This form should be completed by each Member upon commencement of a new term of appointment and returned to the Secretary of the Town Planning Board within one month. It will then be updated once every year. Any subsequent changes to Members' pecuniary interests should be registered within 14 days of any such change.
4. Interests owned by Members, their spouses or children under the age of 18 should be registered. Members should register such interests to the best of their knowledge.
5. Details such as the amount of remuneration received, the size and the exact address of the declared property or the size and value of the shareholdings need not to be disclosed.
6. Where applicable, Members should also give a brief description of the lines of business of companies in which they are involved.
7. Specific guidelines for completing each item are given in the notes of the registration form.

Use and Disclosure of Personal Data

8. The pecuniary interests provided in this registration form are considered as a kind of personal data and will be retained by the Secretary of the Town Planning Board for the purpose mentioned in paragraph 1 above. The personal data may be disclosed to other Government bureaux and departments for any other purpose(s) directly related to such use.
9. Your personal data, as well as your spouse's and children's (whose interests are being declared), provided in this registration form will also be made available for inspection by members of the public on request.
10. Your personal data, as well as your spouse's and children's (whose interests are being declared), provided in this registration form will not be used for purposes other than mentioned above unless you, your spouse and children have given the prescribed consent or such use is permitted by the laws of Hong Kong Special Administrative Region.

Accuracy, Duration of Retention and Security of Personal Data

11. All practicable steps will be taken to ensure that personal data in the registration form are accurate and will not be kept longer than is necessary for the fulfillment of the purpose (including any directly related purpose) for which the data are or to be used; and that the personal data are protected against unauthorized or accidental access, processing, erasure or other use.

Access to Personal Data

12. You, your spouse and children whose interests are being declared, have the right to obtain a printed copy of this registration form held by the Secretary of the Town Planning Board and to request that necessary correction(s) be made if the personal data are inaccurate.

Enquiry

13. All enquiries concerning personal data collected in this registration form should be addressed to:-

Secretary, Town Planning Board
15/F., North Point Government Offices,
333 Java Road,
North Point,
Hong Kong.

Declaration by Individual

14. You are requested to read carefully the Points to Note set out above. If you have any enquiries concerning the Note, please contact the Secretary of the Town Planning Board for clarification. The provision of personal data by means of this form is voluntary. Your personal data, as well as your spouse's and children's (whose interests are being declared), will be treated in compliance with the personal Data (Privacy) Ordinance (Cap. 486) and the contents of the Note. Please sign the declaration on Page 4 of the registration form and return the completed form to the Secretary of the Town Planning Board in the enclosed envelope.

Circumstances Constituting Potential Conflict of Interest

I. Under the following situations, a Member should be considered as having direct and substantial interest in a matter under consideration:

(a) **The subject matter involves a landed interest held by the Member or the Member's spouse**

For example:

- the Member and/or his/her spouse is the sole or part owner or the tenant of the application/representation site under consideration.
- the Member and/or his/her spouse is the applicant/representer/commenter/further representer of the matter under consideration.

(b) **The subject matter involves a public or private company or other organisation (including subsidiary or associated companies within the same group) of which the Member or his/her spouse holds a proprietorship, partnership, directorship or substantial shareholdings (i.e. 1% or more of the issued share capital), advisory or client relationship, employment or other significant connection.**

For example:

- the company of which the Member or his/her spouse holds a proprietorship, partnership, directorship or substantial shareholdings is the applicant/representer/commenter/further representer of the matter under consideration.
- the Member or the company of which the Member or his/her spouse holds a proprietorship, partnership or directorship is the professional consultant tendering professional advice to or representing the applicant/representer/commenter/further representer in the matter under consideration.
- the Member or his/her spouse is the employee/staff of a company, an organisation or association such as the Scouts Association and the University of Hong Kong, which is the applicant/representer/commenter/further representer of the matter under consideration.
- the Member or his/her spouse is a staff of a Government department which itself is the applicant under consideration.

This also applies to the situation where the subject company has a substantial shareholdings (i.e. 1% or more of the issued share capital) of the company owned by the Member or his/her spouse.

- (c) **The subject matter involves a statutory/public body, club, association, union or other bodies of which the Member or his/her spouse holds a chairmanship or, in some cases, membership, or is the office bearer of an executive board, a board of directors or a management committee.**

For example:

- the Member or his/her spouse is a member of a statutory/public body (including its sub-committee), such as the Hong Kong Housing Society (HKHS), the Hong Kong Housing Authority (HKHA), the Urban Renewal Authority (URA) and the District Council, which is the applicant/representer/commenter/further representer of the matter under consideration.

This does not apply to the situation where the Member or his/her spouse is just an ordinary member/corporate member of a club, association or other bodies, and the Member or his/her spouse is not involved in the matter under consideration.

- (d) **The Member or his/her spouse has current business dealings and/or business dealings under negotiation with the applicant/representer/commenter/further representer of the matter under consideration.**

For example:

- the Member or his/her spouse is at present a consultant/advisor to the applicant/representer/commenter/further representer's on-going development projects irrespective of whether the dealings are related to the matter under consideration.
- the Member or his/her spouse or the company owned by the Member or his/her spouse was a business partner with the applicant/representer/commenter/further representer on on-going businesses irrespective of whether the dealings are related to the matter under consideration.

- (e) **The Member who is also a member of the HKHA/HKHS/URA or other public bodies and the subject of a representation/further representation involves a project of such public bodies**

This does not apply to situation where a HKHA/HKHS/URA project is the subject of an amendment to a statutory plan proposed by the Planning Department or where HKHA/HKHS/URA sites are proposed in a new plan.

- II. The following situations would give rise to potential conflict of interest but whether the interest is direct and substantial would depend on the substance, scope and nature of the interest in relation to the case under consideration:

- (a) **The subject matter affects a landed interest held by the Member or his/her spouse.**

For example:

- the Member (and/or his/her spouse) is the sole or part owner or the tenant of a property that may be affected by the development proposal under consideration.

- (b) **The subject matter involves or affects a landed interest held by a “close relative or close friend” of the Member or his/her spouse.**

For example:

- a “close relative or close friend” of the Member or his/her spouse is the sole or part owner or the tenant of the application/representation site under consideration. Members themselves are the best judges of who, in the particular circumstances, is a “close relative or close friend”.

- (c) **A Member or his/her spouse has given personal advice or opinion to an applicant/ representer/commenter/further representer on any occasion on the subject matter under consideration.**

For example:

- the Member or his/her spouse has given personal opinion or advice to the applicant/representer/commenter/further representer on the matter under consideration, which might lead the public to believe that the Member’s views might be biased or not given impartially.

The situation of Government departments tendering professional advice or stating Government policies to the applicant/representer/commenter/further representer should not fall within this category as it is incumbent upon the official member to tender advice, which is consistent with the official views of the Government departments or statement of Government policy.

- (d) **The subject matter involves a public or private company or other organisation (including subsidiary or associated companies within the same group) of which the Member’s or his/her spouse’s “close relative or close friend” holds a proprietorship, partnership or directorship, advisory or client relationship, employment or other significant connection.**

For example:

- the Member’s or his/her spouse’s “close relative or close friend” is the owner of a company/organisation and the company is the applicant/representer/commenter/further representer of the subject matter.
- the Member’s or his/her spouse’s “close relative or close friend” is the professional consultant tendering professional advice to the applicant/

representer/commenter/further representer in the subject matter under consideration.

This is to avoid situations where the public might believe that the Member's advice has been influenced by the closeness of the association. The Members themselves are the best judges of who, in the particular circumstances, is a "close relative or close friend".

(f) The Member or his/her spouse has past business dealings with the applicant/representer/commenter/further representer of the matter under consideration.

For example:

- the Member or his/her spouse or the company owned by the Member or his/her spouse was previously the professional consultant tendering professional advice to the applicant/representer/commenter/further representer in the matter under consideration but the Member or his/her spouse or the company owned by the Member or his/her spouse is no longer involved in the matter. The Member should declare **all** such past dealings. If the matter involves a completed project, the Member should be allowed to continue to participate in the discussion. If the matter involves an on-going project, the Member should be required to withdraw from the meeting.
- the Member or his/her spouse has general business dealings with the applicant/representer/commenter/further representer. If the business dealings are not related to the matter under consideration, the Member should declare only the recent dealings in the past three years, and upon declaration, the Member should be allowed to continue to participate in the discussion.

**Procedures for Handling Gifts/Souvenirs
Given to Members of Town Planning Board in their Official Capacity¹**

Any gift/souvenir received by Members of the Town Planning Board (the Board) in their official capacity is to be disposed of in the following manner:

- (a) if the gift/souvenir is of perishable nature (e.g. food or drink, etc), it may be either be shared among Members on a suitable occasion or donated to a charitable organization as considered appropriate by the Board;
- (b) if the gift/souvenir is a useful item, it may be donated to a charitable organization as considered appropriate by the Board;
- (c) if the gift/souvenir is suitable for display (e.g. a painting, vase, etc), it may be displayed at an appropriate location of the Secretariat of the Board;
- (d) if the gift/souvenir is a personal item of value below HK\$400, such as a plaque or pen inscribed with the name of the recipient, it may be retained by the recipient;
- (e) if the gift/souvenir is a personal item of value above HK\$400 inscribed with the name of the recipient, it should be brought to the attention of the Board for a decision on its disposal; and
- (f) if the gift/souvenir is distributed to all participants in public activities, such as a ball pen, file folder or key clasp, etc, it may be retained by the recipient.

¹ The procedures are based on the “Sample Code of Conduct for Members of Public Councils” prepared by the Corruption Prevention Department of the Independent Commission Against Corruption

**Meeting Arrangements when Rainstorm Warning
or Typhoon Signal is Issued**

Where a Rainstorm Warning or Typhoon Signal is issued, the following arrangements in respect of meetings* of the Town Planning Board and its Planning Committees (including Representation Hearing Committees) will be adopted :

1. Where a Amber/Red Rainstorm Warning or Strong Wind Signal No. 3 or lower is issued, the meeting will be held as scheduled.
2. If Black Rainstorm Warning or Gale/Storm Signal No. 8 or above is cancelled before 7:00a.m. for a morning session of the meeting or before 12:30p.m. for an afternoon session, the meeting will be held as scheduled.
3. If Black Rainstorm Warning or Gale/Storm Signal No. 8 or above remains in force until 7:00a.m. for a morning session of the meeting or until 12:30p.m. for an afternoon session, the session will be re-scheduled. Notification will be issued by the TPB Secretariat on the re-scheduled session of the meeting.
4. If Black Rainstorm Warning is issued during the meeting, the meeting will continue. However, if a session of the meeting is yet to commence, the meeting will normally be adjourned. The TPB Secretariat will confirm the arrangement with the affected applicants, representers, commenters and/or further representers.
5. If Gale/Storm Signal No. 8 or above is issued during the meeting, the meeting will be adjourned immediately and the session of the meeting be re-scheduled. Notification will be issued by the TPB Secretariat on the re-scheduled session of the meeting.

For any enquiry on the above arrangement, please contact the TPB Secretariat at 2231 4810 or 2231 4835.

**Any afternoon session of a meeting shall be regarded as an individual meeting.*

TOWN PLANNING BOARD SECRETARIAT